



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/808,722	03/25/2004	Jennifer Beck	BKP-012

021323

TESTA, HURWITZ & THIBEAULT, LLP
 HIGH STREET TOWER
 125 HIGH STREET
 BOSTON, MA 02110



CONFIRMATION NO. 5639

FORMALITIES LETTER



OC000000012892130

Date Mailed: 06/07/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$180** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1080** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

08/12/2004 BABRAHA1 00000020 10806722

01 EC:1001
 02 EC:1051
 03 FC:1202

770.00 OF
 130.00 OF
 180.00 OF

- Total additional claim fee(s) for this application is **\$180**

- **\$180** for **10** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



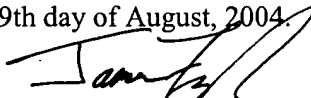
PATENT
Attorney Docket No. BKP-012
(9615/13)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Beck *et al.* CONFIRMATION NO. 5639
SERIAL NO.: 10/808,722 GROUP NO.: 3743
FILING DATE: March 25, 2004 EXAMINER: Not yet assigned
TITLE: Method and Device Responsive to Diaphragmatic Activity for
Adjusting Positive Pressure Assist During Expiration

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of August, 2004.

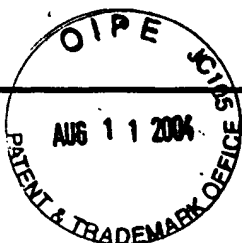

James E. Fajkowski

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal Form (1 pg.);
3. Response to Notice to File Missing Parts of Nonprovisional Application (1 pg.);
4. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
5. Executed Declaration and Power of Attorney for Utility or Design Patent Application (3 pgs.);
6. Patent Practitioners of Record Under 37 C.F.R. § 1.32 (c)(3) (1 pg.);
7. Check in the amount of \$1080.00; and
8. Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	10/808,722
Filing Date	March 25, 2004
First Named Inventor	Beck
Group Art Unit	3743
Examiner Name	Not yet assigned
Attorney Docket No.	BKP-012
Confirmation No.	5639

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 pg.) <input checked="" type="checkbox"/> Check Attached (\$1080.00) <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response (1 pg.) <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (2 pgs.) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application (3 pgs.) <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 (1 pg.) <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosures (please identify below) <input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application (2 pgs.) <input checked="" type="checkbox"/> Patent Practitioners of Record Under 37 C.F.R. § 1.32(c)(3) (1 pg.)
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CORRESPONDENCE ADDRESS

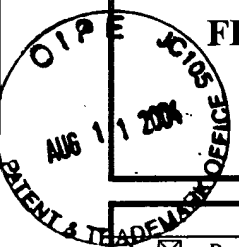
Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: August 9, 2004
Reg. No. 54,089
Tel. No.: (617) 310-8414
Fax No.: (617) 248-7100

Respectfully submitted,

James E. Fajkowski
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110



FEE TRANSMITTAL FY 2004

Complete if Known

Application Serial Number	10/808,722
Filing Date	March 25, 2004
First Named Inventor	Beck
Group Art Unit	3743
Examiner Name	Not yet assigned
Attorney Docket No.	BKP-012

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
(\$1080.00)
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	770.00
340	Design filing fee	
160	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
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Total Claims	30	- 20 = 10	x \$ 18.00 =	180.00
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Independent Claims	0	- 3 = 0	x \$ 86.00 =	0.00
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☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL: 950.00

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 950.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total 0	- 0 = 0		x \$ 18.00 =	0
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Indep. 0	- 0 = 0		x \$ 86.00 =	0
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☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$0.00)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$0.00)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130.00
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 130.00

SUBTOTAL (1) 950.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 130.00

TOTAL (\$) 1080.00

CORRESPONDENCE ADDRESS

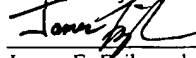
Direct all correspondence to:

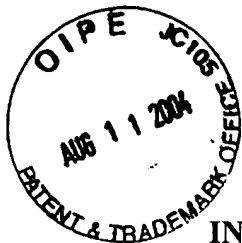
Patent Administrator
Testa, Hurwitz & Thibault, LLP
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Boston, MA 02110
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SIGNATURE BLOCK

Date: August 9, 2004
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Respectfully submitted,


James E. Fajkowski
Attorney for the Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower-125 High Street
Boston, MA 02110



PATENT
Attorney Docket No. BKP-012
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SERIAL NO.: 10/808,722 GROUP NO.: 3743
FILING DATE: March 25, 2004 EXAMINER: Not Yet Assigned
TITLE: Method and Device Responsive to Diaphragmatic Activity for
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**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed from the U.S. Patent Office on June 7, 2004, Applicants enclose herewith a properly executed Declaration and Power of Attorney, a check in the amount of \$1080.00 in payment of the filing fees, and a copy of the Notice to File Missing Parts.

Applicants believe no other fees are due. Should Applicants be in error, please charge Deposit Account No. 20-0531 for any additional fees due.

Respectfully submitted,

Date: August 9, 2004
Reg. No. 54,089
Tel. No. (617) 310-8414
Fax: (617) 248-7100

James E. Fajkowski
Attorney for the Applicants
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